

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

CASE NO.: 16-67191-jrs

Karley Kimmel Nguyen
aka Karley K. Nguyen
aka Karley Nguyen
Debtor(s)

CHAPTER: 13

RESPONSE TO DEBTOR'S MOTION TO REIMPOSE AUTOMATIC STAY [DE 47]

COMES NOW, Creditor **AmeriHome Mortgage Company, LLC** ("Secured Creditor"), by and through the undersigned counsel, and hereby files this *Response to Debtor's Motion to Reimpose Automatic Stay Against Amerihome Mortgage Company, LLC c/o Cenlar FSB [DE 38]*; and in support, respectfully shows as follows:

1. Secured Creditor holds a secured mortgage on real property owned by Debtor, located at 4435 Settles Bridge Road, Suwanee, GA 30024.
2. On April 4, 2016, Karley Kimmel Nguyen (the "Debtor") filed for relief under Chapter 13 of the United States Bankruptcy Code.
3. On December 28, 2016, Secured Creditor filed a *Motion for Relief from Stay [DE 22]* which was set for hearing on January 24, 2017 at 10:30 AM.
4. On February 22, 2017 this Court entered an *Order Granting Motion for Relief from Stay of Amerihome Mortgage Company LLC [DE 29]*.
5. On April 26 2017, Debtor filed a *Motion to Reimpose Automatic Stay Against Amerihome Mortgage Company, LLC c/o Cenlar FSB [DE 38]* (the "Debtor's Motion") in which she stated that she never received the *Motion for Relief* and *Notice of Hearing* and as such she and her attorney were not present at the hearing. Additionally, Debtor indicates that she has the means to cure the arrears.
6. Secured Creditor, however, maintains that service of its *Motion for Relief* and *Notice of Hearing* was properly effected upon Debtor and her counsel, and as such Secured Creditor was entitled to a No Opposition Order.
7. Furthermore, Secured Creditor maintains that the filing of the Debtor's Motion is procedurally incorrect in that a party seeking to reimpose the automatic stay is required to file an adversary proceeding seeking to do same.

8. A hearing on this matter has been set for May 1, 2017 at 10:00 AM.

WHEREFORE, **AmeriHome Mortgage Company, LLC** respectfully requests that this Court enter an Order Denying the Debtor's *Motion to Re-impose Automatic Stay*, and award any and all other relief that this Court deems just and appropriate.

By: /s/ Susan B. Shaw

Susan B. Shaw

Georgia Bar No.: 640237

ALBERTELLI LAW

Attorney for Secured Creditor

100 Galleria Parkway, Suite 960

Atlanta, GA 30339

Telephone: (813) 221-4743 ext. 2504

Facsimile: (813) 221-9171

sshaw@albertellilaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via electronic and/or regular U.S. Mail to the parties on the attached service list, this 1st day of May 2017, I served a copy of the foregoing upon:

Karley Kimmel Nguyen
aka Karley K. Nguyen
aka Karley Nguyen
4435 Settles Bridge Road
Suwanee, GA 30024-1981

Schuyler Elliott, Esq.
Schuyler Elliott & Associates, Inc.
The Mecca Building
2024 Beaver Ruin Road
Norcross, GA 30071

Howard Jay Kent, Esq.
The Kent Law Firm
Suite 750
3355 Lenox Road
Atlanta, GA 30326

Ryan J. Williams
Nancy J. Whaley
Standing Chapter 13 Trustee
303 Peachtree Center Avenue
Suite 120
Atlanta, GA 30303

By: /s/ Susan B. Shaw
Susan B. Shaw
Georgia Bar No.: 640237
ALBERTELLI LAW
Attorney for Secured Creditor
100 Galleria Parkway, Suite 960
Atlanta, GA 30339
Telephone: (813) 221-4743 ext. 2504
Facsimile: (813) 221-9171
sshaw@albertellilaw.com